REMARKS

Applicant respectfully requests reconsideration of this application as amended.

The Examiner is thanked for the indication that the objection to claim 16 is withdrawn. By this amendment, the various claim objections and rejection of claim 18 under 35 USC §101 have been addressed, and are believed to be overcome.

The Office Action rejects the claims under 35 USC §102(e) as anticipated by Sackner.

As discussed in accordance with an exemplary embodiment, and as illustrated in the figures, the respiratory measuring sensors are disposed at a perimeter of a chest and perimeter of an abdominal region, and the respiratory information analysis device selects at least one output of at least one sensor in the chest region and the abdominal region.

More specifically, and as recited in, for example, independent claim 12, a portion of the plurality of respiratory information measuring sensors is disposed at a perimeter of a chest region and another portion of the plurality of respiratory information measuring sensors is disposed at a perimeter of an abdominal region of the garment...and the respiratory information analysis device selects at least one output of at least one sensor in the chest region and in the abdominal region.

The Office Action asserts that Sackner discloses the respiratory information analysis device 3, 33 or 34 selects at least at one output of at least one sensor in the chest region and at least one output of at least one sensor in the abdominal region, relying on column 27, lines 27-31 and column 30, lines 10-35.

For the Office's convenience, the relied upon portions recite:

> FIG. 7 illustrates only two inductive plethysmographic loops, each with a dedicated osc block, OSC 1 and OSC 2, respectively. The digitized oscillator output is sampled by controllable switch SW and directed to the demod block components.
>
> A Multi-Band Garment
>
> A shirt-like garment may be constructed with a larger number of inductive plethysmographic sensor bands, for example, 10, or 20, or 30, or more bands, which are substantially uniformly distributed long the vertical axis of the torso. Signals from these bands may be multiplexed into a smaller number of local electronic modules, which communicate with a microprocessor unit (or computer system) sufficiently capable to handle the increased data rate.
>
> This larger number of signals may have several uses. First, they may be used for

> research in developing sensor bands for detecting additional physiologic parameters, or for detecting current parameters with increased reliability for individual difficult to monitor because of activity or body habitus. Second, the can be used in selecting a cut and arrangement of a monitoring garment for particular individuals. An individual may wear a multi-band garment for a short time, and the associated processing unit may determine which bands are best at detecting desired physiological parameters. A final garment may then be tailored with a cut, fit, and sensor band location best suited for that individual. This may replace garments fit to be adequate for a range of individuals, though ideal perhaps few or none. Third, a multi-band garment may be worn for regular monitoring, the few actual bands from which data is stored and communicated being selected in real time by the associated microprocessor unit as those with the best signals.

However, Applicants respectfully submit Sackner discloses receiving plural outputs from plural sensors using time-sharing.

No reasonable interpretation of these paragraphs, nor any other paragraph, teaches, suggests, nor discloses the claimed feature of the respiratory information analysis device selecting at least one output of at least one sensor in the chest region and in the abdominal region as specifically recited in the claims.

At least based on the above, Applicants respectfully submit that it is impossible for the Sackner reference to anticipate, nor render obvious, the claims. The dependent claims are further distinguishable for at least the above reasons, and the additional features recited therein. For example, dependent claim 19 recites that the respiratory information analysis means further acquires information on a variation cycle of the electric information and information on an R-wave height cycle related to a variation cycle of R-wave height information of cardiogram based on electric potentials acquired from a cardiogram.... At no point does Sackner teach, suggest, nor discloses selecting one of the output respiratory sensors or the R-wave height cycle of the cardiogram as claimed.

At least based on the above, Applicants respectfully submit that all claims are clearly patentably distinguishable from the Sackner reference, and a notice of allowance is earnestly solicited.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to deposit account number 19-1970 any fees under 37 CFR § 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby petitioned.

Respectfully submitted,

SHERIDAN ROSS P.C.

Date: 2/5/10

By: _____

Jason H. Vick
Reg. No. 45,285
1560 Broadway, Suite 1200
Denver, Colorado 80202
Telephone: 303-863-9700